

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:07-CR-47-BO
NO. 7:11-CV-56-BO

SHANNON ANDRE PETERS,)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
Respondent.)

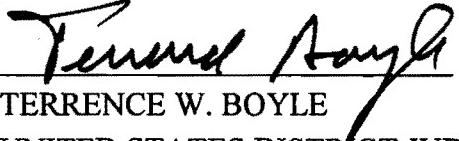
O R D E R

Because the order of October 20, 2011 [DE 65] was not a final order, the judgment entered in this case on October 20, 2011 [DE 66] was improper. Pursuant to Federal Rule of Civil Procedure 60(a), that judgment is hereby VACATED as having been entered due to a clerical error.

In light of the arguments presented at the hearing on January 19, 2012 and in supplemental briefing by both parties, the Court hereby reconsiders and revises its order of October 20, 2011 [DE 65] in its entirety. Pursuant to Federal Rule of Civil Procedure 54(b), the Court hereby holds that Mr. Peters' convictions at ¶¶ 10 and 11 of the presentence report are proper predicate convictions for the purposes of an enhanced sentence under 21 U.S.C. § 851 and for purposes of a career offender designation under § 4B1.1 of the United States Sentencing Guidelines. *See United States v. Leach*, No. 10-5061, 2011 WL 4097600, at *1 (Sept. 15, 2011). Remaining for the Court's consideration is Mr. Peters' argument regarding ineffective assistance of counsel. Pursuant to the Court's oral order entered January 19, the Court will hear argument on whether Mr. Peters should be permitted to amend his section 2255 petition as to this issue on April 26, 2012 in Raleigh, North Carolina.

The United States' Second Motion to Dismiss [DE 78] is therefore DENIED AS MOOT.

SO ORDERED, this the 23 day of March, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE